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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SALVATORE, LYNDIA

ART UNIT PAPER NUMBER

1771

DATE MAILED: 10/24/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,927

Applicant(s)

REPP ET AL.

Examiner

Lynda M Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-66 is/are pending in the application.
- 4a) Of the above claim(s) 41-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, Paper No. 8 has been entered as requested. As such, claims 15-20 have been canceled and claims 21-66 have been added.
2. Applicant's arguments have been considered, but are moot due to the cancellation of claims 15-20.

Election/Restrictions

3. Newly submitted claims 41-66 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 41-66 are directed to providing a packaged commercially available quilting kit.
4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 41-66 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 26,27,31,34,35,37,39,40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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7. Claims 26 and 27 are indefinite because of the phrase "configured to be selectively activated". It is unclear to the Examiner how an inactive adhesive is "configured" to be "selectively" activated. It is also unclear how the adhesive is "selectively" activated with the application of a cover or heat. Is the adhesive a pressure sensitive adhesive, a heat activated adhesive or both? The Examiner suggests removing these terms and positively reciting whether the inactive adhesive is rendered active with the application of pressure, heat or both. Since the specification does not provide any support for a "configured" adhesive one of ordinary skill in the art would not be apprised of the scope of the invention.

8. Claim 31 is indefinite because it is unclear to the Examiner how the Applicant defines "soluble". Is the adhesive material soluble in water and/or solvent?

9. Claims 34 and 35 are indefinite because of the use of the term "selectively" to describe the adhesive application. It is unclear to the Examiner how the adhesive is "selectively" applied to the substrate since the specification does not support the limitation of "selective" application. The Examiner suggests removing the term "selectively" from these claims and positively reciting applying the adhesive to a portion of the substrate.

10. Claim 37 is indefinite because it is unclear to the Examiner what "treatment" the Applicant considers capable of removing the adhesive. For purposes of examination this term will be interpreted as any means (i.e., manual or mechanical) that is capable of removing the adhesive.

11. The term "thick" in claim 39 is a relative term which renders this claim indefinite. The term "thick" is not defined by the claim, the specification does not provide a standard for

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ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

12. Claim 40 is indefinite because it is unclear to the Examiner how the "adhesive provides the batting to maintain softness and flexibility". Does the adhesive composition used accordance with the instant invention comprise a flexible polymer or contain additives, which prevent the composition from becoming brittle with the application of heat?

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 21,22-30,32,33,36, 39, and 40 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schabert et al., US 3,501,368.

The patent is directed to an iron-on fabric composed of a fleece material having a heat activated resin deposited on one side thereof (abstract). The reference further discloses another embodiment that provides a fleece material with a cob-web adhesive on both sides and teaches the application of inserting the adhesive coated fleece material between two layers of cloth, which can then be pressed together with a hot iron (column 1, lines 38-41 and Column 2, lines 60-63). The fleece is made from thermoplastic fibers and the adhesive is preferably polyamide (Column 2, lines 17-20 and 34-38). Schabert et al., further teaches that the cob-web adhesive is sprayed on the fleece (Example 3).

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15. Claims 21,22-24,26-30,32,33-35, 39, and 40 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Drelich, US 2,992,149.

The patent is directed to heat-sealable sheet materials (title), more specifically a self-heat-sealable material. A synthetic polymeric thermoplastic substance deposited on the textile material enables the self-heat-sealable properties disclosed (abstract). The heat-sealable sheet material having an activatable thermo-adhesive substance deposited thereon may include woven and non-woven fabrics, felts, and papers. (Column 1, lines 15-25). The reference further teaches that the activated adhesive sheet material may be more or less permanently adhered to themselves in folds or to other materials in a laminated structure (Column 1, 15-25). Figure 4 illustrates another embodiment of the invention having the linear polyolefin adhered to both sides of a non-woven fabric sheet material (column 3 lines 18-20). Additionally, the patent further discloses how the sheet material may be faced on both sides with thermoplastic granules and adhered to other sheet materials by simply being pressed with a heated iron (column 4 line 63-74). Drelich teaches depositing the adhesive particles with a sifter or a "salt-shaker" form of apparatus (Column 4, lines 30-35).

16. Claims 21,22-24,26-28,32-35,39 and 40 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Groshens et al., US 5,543,214.

The patent is directed to a thermo-adhesive product formed from a backing fabric with a thermo-adhesive layer deposited on its surface (abstract). The thermo-adhesive layer is formed of polymers that are non-tacky at ambient temperatures and become tacky and plastic at an elevated temperature (abstract). Fabrics such as a woven, knitted, or non-woven made of natural, synthetic, or metallic materials are suitable for use as fusible interlining (column 1, line31-35).

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The reference also teaches coating both sides of a backing fabric with adhesive and inserting the coated textile between other materials (Column 4 line 24-32). Groshens et al., further teaches that the thermo-adhesive is deposited in a discontinuous fashion as dots (Abstract).

17. Claims 21,22-24,25-28,30,32,33,39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Barhite, US 3,278,954.

The patent issued to Barhite is directed to uncompacted batts that are suitable for use as cushioning and insulation (Title and Column 1, lines 6-10). The uncompacted batts may consist of a variety of staple fibers such as cotton, wool, polyester, or rayon (Column 3, lines 11-20). Barhite teaches that all or a portion of the staple fibers may be coated with a low melting thermoplastic material and fused in an oven to cause adhesion (Column 4, lines 5-9). Barhite also teaches that the quilting of comforters can be achieved by heat sealing techniques rather than stitching when the staple fibers are made up of or are coated with a thin layer of a flexible low melting thermoplastic material (Column 4, lines 9-14 and lines 55-60).

18. Claims 21-27,30-33, and 36-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Hynek et al., US 3,333,280.

The patent issued to Hynek et al., is directed to an intermediate fabric adapted for the purpose of joining two textile layers together. The intermediate fabric is coated with a discontinuous layer of a heat-sealable, water-soluble temporary adhesive (Column 1, lines 67-Column 2, line 5). Hynek et al., teaches that the when the temporary heat-sealing bonding agent comprises a "soft" polymer a continuous coating may be applied to one or both surface of the intermediate/interliner fabric (Column 3,lines 65-74). Hynek et al., teaches applying the temporary heat-sealing composition using a spray method (Column 4, lines 29-34). The

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intermediate/interliner fabric may comprise a woven or non-woven sheet-like material or web constructed from natural or synthetic fibers (Column 2, lines 5-15 and Column 4, lines 12-17).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5958802

US 5849131

US 2972554

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ls

October 20, 2002


CHERYL A. JUSKA
PRIMARY EXAMINER